

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA )  
vs. ) CR. NO. 2:08cr166-WHA-02  
TIMMY LEE LYONS )

## ORDER

This matter is before the court upon a motion filed by counsel for the Defendant requesting that the trial of this matter be continued and that the Defendant be ordered to undergo a mental examination and evaluation. Upon consideration of said motion, and after consultation with both counsel for the Defendant and the United States, the court finds and ORDERS as follows:

1. The court may grant a request for a continuance if the ends of justice will be served by a continuance. In this instance, the court finds, for the reason that a mental examination of the Defendant is necessary, the ends of justice to be served by granting a continuance outweigh the rights of the Defendant and the public to a speedy trial.
2. It is therefore ORDERED that the trial of this matter, presently set for February 9, 2009, is CONTINUED to the May 18, 2009 term of court.
3. The court also finds, after consultation with counsel for both parties, that there is good reason to GRANT the request for a mental examination and evaluation of the Defendant.
4. It is therefore ORDERED that the Defendant submit to an outpatient mental examination and evaluation by Dr. Catherine Boyer, Clinical and Forensic Psychology, 248 East

Glenn Avenue, Auburn, Alabama 36830. Said examination is to take place at her offices or at such other place as she may direct.

5. Said examination shall take place **no later than February 28, 2009**.

6. The court finds that the Defendant is indigent and directs that payment shall be pursuant to the Criminal Justice Act and the costs for said testing shall not exceed \$1,600.00. Upon completion of said examination, the examiner shall submit a bill for said services to the counsel for the Defendant who may file a request at that time for interim payment to pay said costs.

7. Copies of the written report shall be forwarded to the undersigned United States District Judge; Clark Morris, Esq., Assistant United States Attorney; and Russell T. Duraski, Esq., counsel for the Defendant. The original report shall be filed with the Clerk of Court under seal. Said report shall be filed **no later than March 20, 2009**.

8. The report shall contain the following information, but is not limited to said information:

- (a) The current mental state of the Defendant;
- (b) The mental state of the Defendant at the time of the alleged offense if such determination is possible;
- (c) If the examiner is of the opinion that certain treatment is necessary for the Defendant, what that treatment would be and whether said treatment is available on an outpatient basis;
- (d) Such other and further information as the examiner deems appropriate and helpful to share with the court and counsel.

9. The clerk is DIRECTED to serve a copy of this order on Dr. Catherine Boyer, Clinical and Forensic Psychology, 248 East Glenn Avenue, Auburn, Alabama 36830, in addition to counsel for the parties.

DONE this 5th day February, 2009.

/s/ W. Harold Albritton

W. HAROLD ALBRITTON  
SENIOR UNITED STATES DISTRICT JUDGE